

August 9, 2004

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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
AUGUST 9, 2004

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
MICHAEL REIS
STEPHEN RIVERA
JOSEPH MINUTA
KATHLEEN LOCEY

ALTERNATE: KIMBERLY MANN

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

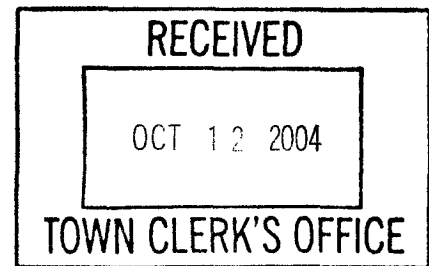
ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

ABSENT: LEN MCDONALD

REGULAR MEETING

MR. KANE: I'd like to call the August 9 session of the
Town of New Windsor Zoning Board of Appeals to order.



PRELIMINARY MEETINGS:

JEAN GUILLOTIN (04-60)

MR. KANE: Request for 7 ft. side yard setback for existing detached screened building at 30 Continental Drive in an R-4 zone. What I need you to do is to state your names clearly and your address so this young lady can hear you over here. In New Windsor we do things a little different than other towns in that we have a preliminary meeting so we can get an idea of what you want to do and you can get a feeling from us what we need from you. Everything by law in a Zoning Board of Appeals has to be done by a public hearing so we will have a preliminary tonight then set you up for a public hearing which we'll repeat the process, okay, so tell us what you want to do.

MS. DISERBO: My name is Gina Diserbo (phonetic) from REMAX Reality, I'm marketing this property from Mrs. Guillotin.

MS. GUILLOTIN: Marie Guillotin.

MS. DISERBO: She's the owner of the property. We have an existing screened detached porch that it's been on the premises since she's owned it since 1980, it doesn't currently meet setback requirements and we're looking to get a C.O. so she may sell the property.

MR. KANE: Do you know an approximate age on that, any information on how long it's been there?

MS. GUILLOTIN: Very, very old.

MR. KANE: Do we have it on file?

MR. BABCOCK: No.

MR. KANE: Okay, to your knowledge, got to ask these

questions, in the building of this, were there cutting down any trees down or removing substantial vegetation?

MS. GUILLOTIN: No.

MR. KANE: Create any water hazards or runoffs?

MS. GUILLOTIN: No.

MR. KANE: Have there been any complaints formally or informally about the building of this?

MS. GUILLOTIN: No.

MR. KANE: Not since 1908, since you've been there?

MS. GUILLOTIN: Right.

MR. KANE: Gentlemen?

MR. REIS: Do you happen to know, Marie, if it goes across any easements or right-of-ways?

MS. GUILLOTIN: What?

MR. REIS: Do you happen to know if it goes across any easements or right-of-ways?

MS. GUILLOTIN: That's on the other side of the right-of-way, that's not on that side.

MR. REIS: Any electric?

MS. GUILLOTIN: No.

MR. REIS: Thank you.

MR. KANE: You understand that if the board does approve this after the public hearing, you're subject to meeting all the specifications by the building

department to get approval on that?

MS. GUILLOTIN: Yes.

MR. KANE: Other questions? Steve?

MR. RIVERA: No.

MR. KANE: Okay.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: Make a motion we set up Jean Marie Guillotin
for requested variance at 30 Continental Drive.

MR. RIVERA: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

CHARLES VALOIS (04-61)

Mr. Charles Brown and Mr. Charles Valois appeared before the board for this proposal.

MR. KANE: Request for 99.45 ft. lot width and 58 ft. frontage for proposed single family dwelling at 63 Silver Springs Road in an R-4 zone. Tell us what you want to do.

MR. BROWN: I'm Charles Brown, design engineer for Mr. Vilois. This is an existing residential lot vacant that does not meet the frontage and lot width requirements based upon the code, it's in the R-4, 5 zone and does have access to water and sewer on Springs Road. Because of the definition of lot width, it's at the front yard setback which is way up here, that's where that measurement is and lot actually goes into here, we would be over this portion into New Windsor so that we have 12 foot at the frontage that over there is 25 feet off the center line.

MR. KANE: That's going to be the drive to the home in the rear?

MR. BROWN: Correct.

MR. KANE: Is that going to be a paved driveway?

MR. VALOIS: Yes.

MR. KANE: And you don't need any, the house itself on the lot back there is not going to require any variance?

MR. VALOIS: That's correct.

MR. BROWN: We meet all the setbacks.

MR. KANE: You're stuck under the new rules. This is

going to have sewer and water?

MR. BROWN: That's correct, based upon the terrain of the lot, we have to pump the sewer up to a manhole which is shown right here and that would be gravity feed.

MR. KANE: Forced sewer line?

MR. BROWN: Right, this would be a manhole installed on the property and it's maintained by the owner and that will be gravity feed into the town line.

MR. KANE: Going to be cutting down any trees or substantial vegetation in the building of this home?

MR. BROWN: Some trees.

MR. VALOIS: Yeah, we already started taking some of them down.

MR. KANE: Nothing substantial?

MR. VALOIS: We left as many as we could along the borders, the middle was basically a hole to begin with so there's just poplars and stuff, we already put a screening up, silk screen.

MR. KANE: Will you be creating any water hazards or runoffs with the building of this?

MR. VALOIS: I don't believe so.

MR. BROWN: No, we're not, there's a creek down the bottom, it drains down to the creek in the bottom so from there it goes all the way down to the river.

MR. KANE: Joe, Mike, do you have any questions?

MR. REIS: Is the adjacent shed, is that the neighbor's

or on this property?

MR. VALOIS: That's the neighbor, he crosses the border but I'm not going to raise a stink with it, I think he's a couple feet over.

MR. BABCOCK: Mr. Chairman, the lot 20.2.30.21, the small lot that's owned by you also?

MR. VALOIS: Yes, it is.

MR. BROWN: That allows us to do a cross easement which is also shown on there so that we can do that driveway through that little corner of the lot.

MR. BABCOCK: What's this lot going to be used for though?

MR. VALOIS: Well, I was going to do three things, I was going to either approach the two property owners, they have small back yards and offer a portion of that cause we're going to take some of it away or I'm going to offer it as more land with the existing house being built but I think I would give the opportunity for the neighbors cause the one house has a very shallow back yard.

MR. KANE: Mike?

MR. BABCOCK: I mean, I was wondering if he was saying he wanted to build another house on that, that was one of the questions I was going to have.

MR. VALOIS: No.

MR. BABCOCK: If he does that, he's got easements between the two lots for the driveway and the sewer lines and all that stuff, if he does a lot line change probably, I mean, if you do wind up doing a lot line change with the neighbors or whatever probably a piece

of this should be given to that property no matter what so--

MR. BROWN: The easement will be dissolved and a portion of this would be deeded to that right.

MR. KANE: Would that leave that other lot a buildable size lot?

MR. BABCOCK: This lot in my opinion is not buildable cause there's no access at all to it.

MR. KANE: 30.21.

MR. BROWN: It's landlocked, it's very small.

MR. VALOIS: It's making basically this lot workable, it's kind of lot forfeiting that small lot, like I said, I think there will be a couple options I can do with it, either it goes with the new property or I'm going to give the neighbors an opportunity to buy a portion of it.

MR. KANE: In either case, that wouldn't have an affect on their need for the frontage variance?

MR. BABCOCK: No, that's correct.

MR. KANE: Joe, questions?

MR. MINUTA: I'm just trying to discern this so I understand correctly, this piece here is being proposed as an easement for the drive, this piece here?

MR. BROWN: Right, in other words, this is part of this parcel but because the driveway has to clip this corner, we put in an easement between both lots. In the event that he makes a deal with the adjoining property owner we'll do a lot line, we'll most likely bring this straight back then the easement would no

longer be required.

MR. MINUTA: Okay, great, thank you.

MR. RIVERA: Can you point that out to us, please?

MR. BROWN: Sure.

MR. KANE: This garage here is that right there?

MR. VALOIS: Right, I do have a question, do you see that driveway, can I point it out, that picture, I was talking to this neighboring here and there's a couple trees here we want to kind of save, so they want to actually join, take this out this divide and have the driveway actually make one driveway and this way we can save these trees here.

MR. KANE: Makes sense and you save those nice trees.

MR. MINUTA: We also need to consider anything over 18 inches, that's part of the zoning code as well.

MR. BABCOCK: They would have to receive approval from the highway department for that to share a driveway. The shared driveways are not the normal approval process just because you want them, I mean, there could be a reason and you'd have to talk to him.

MR. VALOIS: I don't know if it would be shared just butt up to each other.

MR. BABCOCK: That's an issue for the highway superintendent also when you plow your snow, you put it on his driveway and when he plows he puts it on your driveway.

MR. VALOIS: Not to complicate it after we get approvals we can go through--

MR. BABCOCK: You can get this approval and before you get a building permit you'd have to get a highway permit and you can talk to him.

MR. KANE: Looks like a safer setup with them shared like that. So any other questions, guys?

MR. REIS: Accept a motion?

MR. KANE: Yes, sir.

MR. REIS: Make a motion that we set up Mr. Charles Valois for his requested variances at 63 Silver Springs Road.

MR. MINUTA: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

PUBLIC HEARINGS:

ROGER SMITH (04-50)

MR. KANE: Request for 5 ft. side yard setback for existing shed at 17 Shaw Road in an R-1 zone.

Mr. Roger Smith appeared before the board for this proposal.

MR. KANE: Is there anybody here for this particular hearing except for Mr. Smith. Okay, tell us what you want to do, sir.

MR. SMITH: Well, I put the shed, turns out the fence was on the line and what I'd like to do is now that I've got the house in place and it makes more sense, I'd like to move it back to whatever your requirements are for the rear line just be five feet off the other line here then I have the rest of the back yard cause eventually going to have to redo the septic system. Right now I'm using a pre-existing septic.

MR. KANE: Where is the septic in conjunction with where you propose to move it?

MR. SMITH: Right off the back corner of the actual trailer itself, about even with the overhang where the septic tank, is says overhang down there and the leach field is out there somewhere but everything has been working fine, there's no problem but I know eventually it's 40 years old it's going to have to be redone.

MR. KANE: Let me ask you this since I have to, the shed is currently about approximately just under two feet over the property line and you propose to move the shed without any damage?

MR. SMITH: Right.

MR. KANE: Why can't we move the shed in an area where we don't need a variance at all?

MR. SMITH: Well, it gives me more open space because my lot's only 60 feet side to begin with. If I move it over more, about 10 or 15 feet, I have to be, that would, it would just be that much more into the back yard. And like I said, when I've got to re-do the septic because it's only 60 feet wide, I've got the stream on the other side to deal with, there's a stream cuts right along my property line on the opposite corner, it's not on the map there, it's not really a real stream but like an overflow type thing.

MR. BABCOCK: If he ever did have a problem with the septic system, they'd want him to do probably at least 50% expansion on the thing and he really could use the room.

MR. KANE: Need to ask it since it is a movable thing.

MR. SMITH: My neighbor has a garage also that's 10 or 15 feet off the fence line and eventually I'm going to eliminate the fence and make it all smooth so if she ever has to get back there there's room to get a machine back there.

MR. KANE: Size of the shed, sir?

MR. SMITH: 12 by 12.

MR. KANE: So that's similar in size to other sheds in your neighborhood?

MR. SMITH: Yes.

MR. KANE: Where the shed is now were there any complaints formally or informally?

MR. SMITH: No.

MR. KANE: How long has the shed been up in the current spot?

MR. SMITH: About two years now.

MR. KANE: Cut down any trees create any water hazards?

MR. SMITH: No.

MR. KANE: Any easements in the area?

MR. SMITH: No. The only water hazards is I get it all from the road. Eventually, I'll eliminate that and put it over to the stream where it belongs.

MR. MINUTA: Have engineering drawings been performed for the proposed leach field expansion area?

MR. SMITH: Not yet.

MR. KANE: They haven't gotten into that.

MR. SMITH: Everything is working fine right now so why rock the boat on that one.

MR. MINUTA: How many bedrooms in the dwelling?

MR. SMITH: It's a one bedroom.

MR. MINUTA: No further questions on that.

MR. KANE: You're going to take it ten feet off the back line so we need five foot side?

MR. SMITH: Right, the house is already five feet on the other side, just kind of gives me a little more room to work in the back yard, there's still a deck on the back.

MR. KANE: At this point, I will open it to the public and ask once again if there's anybody here for this particular meeting? Seeing as there's not, we'll close the public hearing and ask Myra how many mailings.

MS. MASON: On July 27, I mailed out 25 addressed envelopes and had no responses.

MR. KANE: You don't propose to put any electric out to the shed?

MR. SMITH: Maybe a temporary extension cord for when I want to run the air compressor, something like that.

MR. KRIEGER: You're building the house and removing a trailer, is that it?

MR. SMITH: The house is already up, I'm working on that, the trailer's over to the side right now cause we're using it for storage right now.

MR. KRIEGER: After you're finished for storage, you intend to remove it?

MR. SMITH: Yes, just waiting for a plumber to show up. You know what that's like these days.

MR. KANE: Any other questions, guys?

MR. RIVERA: Accept a motion?

MR. KANE: Yes, I will.

MR. RIVERA: I make a motion that we grant Roger Smith the requested five foot side yard setback for the existing shed at 17 Shore Road in the R-1 zone.

MR. MINUTA: Second it.

ROLL CALL

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MS. LOCEY	AYE
MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

ADAM HELLMAN (04-56)

MR. KANE: Request for 9 ft. 4 in. side yard setback and 9 ft. 4 in. rear yard setback for existing shed at 320 Oak Drive in an R-4 zone.

Ms. Lisa Hellman appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MS. HELLMAN: Okay, we have an existing shed that was there when we bought the house almost seven years ago. We're getting ready to sell and I'm trying to get all the C.O.s in order. It's pretty impossible for us to move it cause it has been there for so long and it's just very big and I think that if it was moved it would be destroyed.

MR. KANE: When you purchased the home, the shed was there at that point?

MS. HELLMAN: Yes.

MR. KANE: Did we have anything on the shed on that property?

MR. BABCOCK: No.

MR. KANE: To your knowledge, cut down any trees or remove any substantial vegetation?

MS. HELLMAN: No.

MR. KANE: Create water hazards or runoffs?

MS. HELLMAN: No.

MR. KANE: Have you had any complaints formally or informally about the shed?

MS. HELLMAN: No.

MR. REIS: Mr. Chairman, I need to recuse myself on this motion. I'm involved with the sale of the property.

MR. KANE: So done.

MR. RIVERA: Mr. Chairman, I'd just like to also disclose that I am affiliated with Reis but I am in no way involved in this and can be--

MR. KANE: Too many realtors.

MR. RIVERA: Just disclosing it, that's all.

MR. KANE: At this point, I will ask on the public portion of the meeting, ask if anybody's here for this particular hearing? Seeing as there is not, we'll close the public hearing.

MS. MASON: On July 27, I mailed out 56 addressed envelopes and had no response.

MR. KANE: Nobody cares. Size of the shed is similar to other sheds in your neighborhood?

MS. HELLMAN: Yes.

MR. KANE: Size and appearance?

MS. HELLMAN: Yes.

MR. KANE: Guys, have any other questions?

MR. MINUTA: Accept a motion?

MR. KANE: Yes, I will.

MR. MINUTA: I make the motion that we grant the Hellmans their requested 9 foot 4 inch side yard setback and 9 foot 4 inch rear yard setback for the existing shed at 320 Oak Drive in an R-4 zone.

MS. LOCEY: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. RIVERA	AYE
MR. MINUTA	AYE
MR. KANE	AYE

KEVIN GOLDEN & WILLIAM NOLTE (04-59)

Mr. Kevin Golden appeared before the board for this proposal.

MR. KANE: Request for 10 ft. side yard setback for proposed side entrance at 43 Lakeside Drive in an R-4 zone. Tell us again what you want to do.

MR. GOLDEN: I'm Kevin Golden. We're intending to build a little staircase that could connect the two levels of the house that are not connected now and put a side entrance in that would give access.

MR. KANE: And currently you just have the one entrance to the home?

MR. GOLDEN: There's an entrance upstairs and downstairs.

MR. KANE: You have no way from upstairs to downstairs without going outside?

MR. GOLDEN: Yes.

MR. KANE: So you would consider that safety issue also so that in bad weather you don't have to go out and be subject to the elements?

MR. GOLDEN: Yes.

MR. KANE: Cutting down any trees or removing substantial vegetation in the building of this?

MR. GOLDEN: No.

MR. KANE: Create any water hazards or runoffs?

MR. GOLDEN: No.

MR. KANE: Any easements in the area, town septic and water?

MR. GOLDEN: We're on sewer and well water.

MR. KANE: Not going to interfere with the well at all?

MR. GOLDEN: No.

MR. BABCOCK: I just have one correction to make, the last time when they were here on the 26th of last month, the revised agenda says five foot variance, they're going to be ten foot from the property line, they're required to be 15, that was a typo last time said ten.

MR. KANE: Okay, it's a five foot variance, it's on the application here now, I have it right there but it's not in our notice so it's five foot instead of ten foot which makes it easier. At this point, I will open it to the public and ask if there's anybody in the audience here for this particular meeting? Seeing as there's not, we'll close the public hearing portion and ask Myra how many mailings.

MS. MASON: On July 27, I mailed out 32 addressed envelopes and had no response.

MR. KANE: Okay, now, this is going to go from downstairs to upstairs, is there going to be an outside door?

MR. GOLDEN: Yes.

MR. KANE: In no way you're going to use this to create any type of an apartment or anything like that?

MR. GOLDEN: No.

MR. KANE: For the record.

MR. GOLDEN: Right.

MR. KANE: Any other questions guys?

MR. MINUTA: Just one. I'm not familiar with the layout of this but is there any other way to place the stair other than in this area?

MR. ZYCOS: My name is Marci Zycos (phonetic), I'm the architect on the project. This is towards the lake and this is towards the road, this is the area of the lower level, this is a crawl space down below. The current main entrance to the house is at this, at the upper level and going to the lower level they have to walk out around to the lower level. This was would be really the only place to put the stair unless you put it out in front towards the lake and then you're blocking your view of the lake, plus you'd be taking up the vast majority of the space, plus you have a screened porch over top of the existing space. So we wanted to put the stair in this area to take advantage of the fact that there's already a step back in the existing foundation so we wouldn't encroach any further on this setbacks and if you put a stair in this area you'd be accessing the crawl space.

MR. MINUTA: Is this an existing foundation wall?

MS. ZYCOS: This ramp is in this location right here you're looking at this side.

MR. MINUTA: So you will be pouring a foundation wall?

MS. ZYCOS: Yes and it would be a block foundation. This is the uphill side right here, this is the main entrance side over here and then these two are the areas in question.

MR. MINUTA: Very good.

MR. MINUTA: Michael, with regard to fire, do we have any considerations with that as far as the side yards, in other words, both side yards are very tight?

MR. BABCOCK: From the house next door.

MR. MINUTA: We have 11 foot one to the one, an existing 12 foot to the other side yard.

MR. BABCOCK: We'll have to look at that but I don't think there's, I think it's 6 foot for each so it would be a 12 foot total, you're saying that the one house has got, I don't have that survey.

MR. MINUTA: What we have right now is the existing, what they're showing is existing is a 12 foot side yard setback on the one side and 11.1 foot on the other. My concern is having let's say there's a fire that a fire truck is able to get through that space.

MS. ZYCOS: This existing house is quite a bit farther back from this property line.

MR. GOLDEN: The driveway is only on one side of the house.

MR. KANE: The 11.1 side, right.

MR. GOLDEN: Yes.

MR. BABCOCK: Typically on a larger building, the fire company may want to get around the back but on this they would pull down the driveway and drag a hose to the back.

MR. MINUTA: Great, thank you.

MR. KANE: Other questions?

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: Make a motion that we grant Kevin Golden and William Nolte their requested five foot side yard setback for proposed side entrance at 43 Lakeside Drive.

MR. RIVERA: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

JAMES FERREGO (04-58)

MR. KANE: Request for variance for proposed garage to project closer to the road than existing house at 44 Steele Road in an R-4 zone.

Mr. and Mrs. James Ferrego appeared before the board for this proposal.

MR. KANE: Tell us what you want to do again.

MR. FERREGO: I want to build a garage 24 x 32 feet on the right front side of the house.

MR. KANE: The garage, yours is similar in size and shape to other garages that might be in your neighborhood that are detached?

MR. FERREGO: Yes, there's one right next to us.

MR. KANE: The height of the garage is not going to exceed the height of other homes in the area?

MR. FERREGO: No.

MR. KANE: Cutting down any trees or substantial vegetation with the building of this garage.

MRS. FERREGO: Would be one tree, it would be behind the garage that the excavator said might need to come down but it's behind from the public view.

MR. KANE: Creating any water hazards or runoffs with the building of this?

MR. FERREGO: No.

MR. KANE: With the garage being in the front of the house and projecting closer to the road than your house, will it project closer to the road than other

homes in your neighborhood?

MRS. FERREGO: There are some homes that are closer but we're up a steep embankment.

MR. KANE: Nothing that's a noticeable situation?

MRS. FERREGO: I don't think it would be noticeable.

MR. REIS: The garage is on the topography on the right it rises on the right?

MR. FERREGO: Yes, looking up from the road it's probably 25 feet.

MRS. FERREGO: Some of the pictures were taken from the road.

MR. MINUTA: You do not currently have a garage?

MR. FERREGO: No.

MR. KANE: Are you on town water and sewer?

MRS. FERREGO: Just town sewer. We have a well.

MR. KANE: Any easements in the area where the garage is being proposed?

MR. FERREGO: No.

MR. KANE: At this point, I will open it up to the public and ask if there's anybody here for this particular meeting? Seeing as it's not, close it and ask Myra how many mailings.

MRS. FERREGO: Mr. Geraci was here.

MR. KANE: How many mailings did we have?

MS. MASON: On the 27th of July, I mailed out 13 envelopes and I had just this one response.

MR. FERREGO: Is that from Mrs. Steele?

MR. KANE: Yes.

MR. FERREGO: But he left.

MR. KANE: This was a letter authorizing him to speak for them so obviously you covered any questions that they had?

MR. FERREGO: Yes, he's our closest neighbor.

MR. KANE: Okay.

MR. KRIEGER: How big is this piece of property?

MR. FERREGO: The frontage is I believe 175 and the depth is about 111.

MR. KRIEGER: And you're screened from your other neighbors?

MRS. FERREGO: It's very wooded there, yeah.

MR. FERREGO: The one neighbor that we see would have a garage just like we do.

MR. KRIEGER: How far off the road will you be approximately?

MRS. FERREGO: Probably still about 30 feet, I think.

MR. FERREGO: At least.

MRS. FERREGO: Because the town property cuts into our, that line is the town property line, actually, that's to scale if you have--

MR. BABCOCK: Yeah, it's between 35 and 40 feet from the edge of pavement.

MR. FERREGO: And it's up above the road probably 20 feet at that point at the garage point.

MR. KANE: And it would be impractical to put it in another place on your property?

MR. FERREGO: Oh, yeah.

MRS. FERREGO: Any other location would require major excavation like if it was behind the house.

MR. KANE: Removing a lot of vegetation and trees?

MRS. FERREGO: Yes, substantial dirt, too.

MR. MINUTA: Do you have currently sewer?

MR. KANE: I covered that, town sewer with a well.

MRS. FERREGO: And other side of our house where the driveway initially goes up which would be behind the house if we built that there that would be a lot of excavation and the well is there too.

MR. FERREGO: And we had a driveway that would run right into it, the driveway's in front of the house.

MR. MINUTA: The existing large vegetation that's in the front that buffers the road from the proposed garage, will any of that be removed?

MR. FERREGO: None of it.

MR. KRIEGER: It stays?

MR. FERREGO: All of it.

MR. REIS: Mike, just a point, I didn't calculate it but developmental coverage is there an issue there?

MR. BABCOCK: They didn't say he needed that.

MRS. FERREGO: There would only be a small pad of cement connecting because we can't put the garage too close to the house so there'd be a small cement pad connecting our current driveway to the garage about ten feet, I think whatever it is.

MR. BABCOCK: Yeah. Most of the paving is there.

MR. BABCOCK: I personally didn't do the calculation, I'm not sure if anybody did but they didn't say anything if they did.

MR. REIS: Looks like it might be close, just wanted to clear it up if there's an issue.

MR. FERREGO: In front of the house there's a current driveway right now, it would be connecting the space about ten feet.

MR. MINUTA: Just for clarification on the developmental coverage that includes anything that's on the property that prohibits water from permeating the soil, so that would include driveway, existing dwelling, decks and so forth, just for clarification.

MR. KANE: Okay, any other questions? Kathy? Steve?

MR. RIVERA: No.

MR. KANE: All set?

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: Make a motion that we grant James Ferrego his requested variance for proposed garage to project closer to the road than the existing house at 44 Steele Road.

MR. MINUTA: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

JOHN WHITE (04-49)

Mr. John White appeared before the board for this proposal.

MR. KANE: Request for 5 ft. rear yard setback for proposed in-ground pool with 4 ft. fence at 2714 Colonial Drive in an R-4 zone. Tell us what you want to do again.

MR. WHITE: We want to put an in-ground pool in the back yard which is only 34 feet in width, given the restrictions with the ten foot barrier there in existence in order for the pool to be 16 feet wide, I requested the five foot variance from the rear yard.

MR. KANE: Cutting down any trees or substantial vegetation in the building of the pool?

MR. WHITE: No.

MR. KANE: Create any water hazards or runoffs?

MR. WHITE: No.

MR. KANE: Any easements in that area?

MR. WHITE: No.

MR. BABCOCK: They're fairly new homes, I have a copy of his survey in the file that does not show any easements in that area.

MR. REIS: Just for the record, to bring the pool closer to the house would make it possibly dangerous, that's why it needs to go back further?

MR. WHITE: I was under the impression that there was no variance given from my own home, I thought my wife told me that she heard that from the building

inspector.

MR. BABCOCK: We want the pool at least ten foot and then based on situations that could, looking at the different houses, we even want sometimes we want more than that, we don't want kids jumping out of the windows into the pools.

MR. KANE: If you look at the back stairs coming out they're as close as you would want to get to the end of the pool.

MR. BABCOCK: When they get close to the house, it happens the kids decide they're going to jump out of windows and it becomes a problem.

MR. REIS: Just for the record.

MR. KANE: At this point, I will open it up to the public and ask if there's anybody here for this particular meeting. We'll close it at this point and ask Myra how many mailings we had.

MS. MASON: On July 27, I mailed out 66 envelopes and had no responses.

MR. KANE: Who's building the pool?

MR. WHITE: Orange County.

MR. KANE: For the record, sir, that's not the Orange County Pools I work for so I cover myself. You're going to be fencing this in?

MR. WHITE: Correct, the whole back yard.

MR. KANE: Four foot self-closing, self-latching?

MR. WHITE: Yes.

MR. KANE: Any lights or illumination that might disturb the neighbors?

MR. WHITE: Just what's there, there's a light currently out the back of the house.

MR. MINUTA: The fence that you're going to be placing on the property, will there be a separation between the rear entrance and the pool itself, in other words, either an alarm if the door opens and there's no gate or a gate?

MR. KANE: No, he has to have a gated fence, a self-closing, self-latching gate between that door and the pool, has to.

MR. MINUTA: So, well, the reason why I ask is because you said you're fencing the entire property.

MR. WHITE: Just the back yard.

MR. MINUTA: To which point?

MR. WHITE: I'm going to come out this way to my property line here, here along back and meet up in the back of the house.

MR. MINUTA: So what's in question--

MR. KANE: Let me qualify my statement, the pool itself is going to be fenced in, have nothing to do with the yard being fenced in, you're going to have a fence for the pool so you need to open the gate and get in there.

MR. WHITE: Actually be two fences. Because I have small children and this way--

MR. KANE: That requirement has nothing to do with your back yard being fenced it.

MR. MINUTA: Just wanted to make sure there's going to be the two fences.

MR. WHITE: Right.

MR. MINUTA: Thank you.

MR. BABCOCK: Mr. Chairman, just so the applicant's aware, you can use back of your house as part of the fence for the pool, as long as the openings in the back of the house are set up for that and the alarm, what Joe's talking about your back door you can have an alarm rather than a self-closer, if the alarm goes off once the door's open, everybody will know that the kids are going out back, so you do have some options there.

MR. KANE: Put up the fence. Any other questions?

MR. RIVERA: What size pool is that?

MR. KANE: 16 x 32. How deep on the deep end?

MR. WHITE: Eight feet.

MR. KANE: Are they putting a main drain?

MR. WHITE: Honestly I don't know.

MR. KANE: Check that out. The main drain is right where it comes in, okay, that's usually where they're talking about where if somebody puts a full force you want an anti-vortex on top of that so doublecheck that.

MR. MINUTA: Is developmental coverage an issue?

MR. KANE: You're going to be putting a cement pad around the 16 x 32 pool, right?

MR. WHITE: Eventually.

MR. KANE: Right, takes a year. Maybe not because--

MR. BABCOCK: That's the, we did that with the last gentleman because of the pool but when I went to get out the code book as far as in the bulk tables for this area, this is so old, this was approved back in 1972, our regulations wouldn't work for anything here. So what I did with the last ones since you gentlemen asked for developmental coverage, there is none on these lots, there just isn't any, so what I did was I took it out of the closest bulk table and used that the last time.

MR. KANE: Is the gravel driveway, is that going to be paved?

MR. WHITE: It is paved.

MR. MINUTA: Just for clarification, with regard to the old subdivision that was there that now that it's been completed and there's a C.O. that does not come into the new zoning code.

MR. BABCOCK: As far as developmental coverage, as far as the zoning if you look at the zoning it will tell you what the developmental coverage for a lot of today's character is, not this lot. This was approved in 1972, I guess, something like that, quarter acre lots so in today's world this lot would be one acre so the developmental coverage is geared to the one acre.

MR. MINUTA: Okay.

MR. BABCOCK: I can do that if you'd like.

MR. KANE: I think we're going to start seeing a lot coming in from this area so maybe that's something that we need to make sure we can cover or ask.

MR. BABCOCK: Just like the setbacks if you look at the

setbacks in this zone, the front yard is 25 feet, that doesn't meet the zoning so now does he need a front yard setback variance too, I mean, the house is already there and it's there by the 1972 code.

MR. MINUTA: There by right and granted a C.O. under that, once the C.O.'s granted and anything else is done after that that would not kick in the new code or new zoning that's really the question here and if it is, I'd like to clear that up.

MR. KANE: The only thing I think we need to maybe not talk about that here with this particular guy because that opens a whole door of things, I mean, if the developmental coverage isn't covered, your front yard, you're talking a whole realm of variances for these people.

MR. BABCOCK: In 1972 when you look at the subdivision plan, there's no listing of developmental coverage on it at all, just didn't do it.

MR. MINUTA: Okay.

MR. KANE: That's something we can discuss outside but not with this application.

MR. MINUTA: Let's do that.

MR. KANE: Any other questions? Motion?

MR. REIS: Make a motion that we grant John White his requested five foot rear yard setback for the proposed inground pool and 4 foot fence at 2714 Colonial Drive.

MR. RIVERA: Second it.

ROLL CALL

MS. LOCEY

AYE

August 9, 2004

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MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

RICHARD GORGLIONE (04-57)

Mr. Richard Gorglione appeared before the board for this proposal.

MR. KANE: Request for 18 ft. rear yard setback for proposed 16 ft. x 20 ft. rear deck and existing 16 ft. x 12 ft. shed which projects closer to the street than the principle building all at 331 Sycamore Drive in an R-4 zone.

MR. GORGLIONE: Variance might be off, it's only 14 feet I'm looking for and the rear setback I'm only going, I have 42 feet now I'm only going out 16 feet, just, I'm not looking for the entire 18, it's 42 feet now, correct? That's what I pointed out the last time, wondering why it's there again.

MR. BABCOCK: Well, the house, you're correct, the house is 42 feet off the property line but the required setback for the deck at the very edge of it would be 40 feet, you have 22 feet, that's where the 18 feet comes in.

MR. KANE: Which you have the deck attached to the house, it becomes part of the house, your rear yard setback stays the same at 40.

MR. GORGLIONE: Okay.

MR. KANE: So we're still working with the number of 18.

MR. GORGLIONE: Right.

MR. KRIEGER: If the deck were permitted to be constructed, he'd still have 22 feet?

MR. BABCOCK: That's correct.

MR. KANE: Cutting down any trees or substantial vegetation with the building of the deck?

MR. GORGLIONE: No.

MR. KANE: Create any water hazards on runoffs?

MR. GORGLIONE: No.

MR. KANE: Deck itself seem to be similar in size and nature to other decks in your neighborhood?

MR. GORGLIONE: Correct.

MR. KANE: Any easements in that area?

MR. GORGLIONE: No.

MR. MINUTA: Will the buffer between the shed and the roadway be maintained?

MR. GORGLIONE: Yes.

MR. KANE: How long has the shed been in existence?

MR. GORGLIONE: Close to ten years.

MR. KANE: Any complaints formally or informally?

MR. GORGLIONE: No, sir.

MR. KANE: Create any water hazards or runoffs with the building of the shed?

MR. GORGLIONE: No.

MR. KANE: Cut down any trees or substantial vegetation?

MR. GORGLIONE: No.

MR. KANE: Shed is similar in size to other sheds in your neighborhood?

MR. GORGLIONE: Pretty much.

MR. KANE: At this point, I will open it up to the public and see if there's anybody here for this particular meeting. At this point, we'll close the public portion of the hearing and ask Myra how many mailings.

MS. MASON: On July 27, I mailed out 36 envelopes and had no response.

MR. GORGLIONE: After preliminary hearing, they called us about the shed, I don't know what that was all about.

MS. MASON: No, they said you needed to apply for a permit for the shed.

MR. GORGLIONE: We did that after I did the application, they said the permit was ready to be picked up, I haven't had a chance.

MR. BABCOCK: That's a good thing, you shouldn't get it until tomorrow.

MR. GORGLIONE: That's what I figured. I said somebody made a mistake.

MR. KANE: But technically you're supposed to apply for a permit and then get turned down for the permit to see us, otherwise you don't get in here.

MR. BABCOCK: He applied for the permit for the deck, we turned him down and sent him here, just for a deck. During that process, we noticed the shed so then we said okay, fine.

MR. KANE: Now it makes sense. Other questions?

MR. MINUTA: Accept a motion?

MR. KANE: Yes.

MR. MINUTA: I'll make a motion that we grant Mr. Richard Gorglione an 18 foot rear yard setback for the proposed 16 x 20 foot rear deck and existing 16 foot by 12 foot shed which projects closer to the street than the existing principle building. We don't have any setbacks on the shed?

MR. KANE: No.

MR. MINUTA: Okay, done.

MR. REIS: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MARY ALVA (MONDOME, INC.) (04-55)

Mr. Gregory Shaw of Shaw Engineering and Mr. John Alva appeared before the board for this proposal.

MR. KANE: Request for 10 ft. side yard setback and variance of Section 300-19 of Town Code which requires all structures of recreational facilities to be of a permanent nature and interpretation as to whether an area variance for off-street parking is required and if required an area variance of 104 parking spaces for a proposed 21,830 s.f. seasonal dome for winter indoor soccer use at 380 Mt. Airy Road in an R-1 zone. We need to get a sheet out for some names. There will be a sheet.

MR. SHAW: Thank you. What I'd like to do tonight is to read a narrative that I attached to the application in order to get into the record the points which are necessary for this various request. If you just bear with me, I will be as quick as I can.

The subject property is a 33.2 acre parcel located on the west side of Mt. Airy Road and within the Rural Residential (R-1) Zoning District. Being within an agricultural area of the Town, site is adjacent to relatively large parcels of undeveloped land. For the past 30 years the site has been used as a recreational facility known as the Bellwood Par 3 Golf Course and recently a golf driving range has been added to the facility. The applicant proposes to construct a 21,830 s. f. seasonal dome for winter indoor soccer use. Associated site improvement will include 39 permanent parking spaces with an additional 28 spaces available for overflow parking. These parking areas would also be used during the non-winter months by the golf course and the golf driving range. Access to the new seasonal dome would be same as for the golf course, that being along the existing 1,100 foot long drive from Mt. Airy Road. The applicant is requesting the following area variances and/or

interpretations: Variance No. 1: An area variance of 10 feet for a side yard setback where 40 feet is provided and 50 feet is required. Variance No. 2: an area variance to Section 300-19 of the Town code that requires all structures of recreational facilities to be of a permanent nature. Interpretation/Variance No. 3: an interpretation as to whether an area variance for off-street parking is required and if required an area variance of 104 parking spaces as 143 spaces are required and 39 spaces are provided. Regarding the above variances, the request for a side yard setback (Variance No. 1) is self-explanatory. The request of a variance for a seasonal structure for a recreational facility (Variance No. 2) is not unusual in the Town of New Windsor as there are other recreational facilities such as Sportsplex that also have a seasonal dome structure. Prior to determining the merits of the off-street parking request (Variance No. 3), an interpretation must be made as to whether this variance is actually required. As presented above, the subject property has been used for over 30 years as a recreational facility, primarily a Par 3 Gold Course. The parking spaces that supported this facility has been and continues to be minimal when compared to the number of spaces required by the Town of New Windsor Zoning Ordinance. The required number of parking spaces for this existing facility is 143 spaces and it is based on 133 spaces (4 spaces for each of the 33.2 acres) for the recreational land, and 10 spaces for the existing pro shop (1 space for each 150 s.f. of floor area). Presently parking is available for approximately 30 spaces in an unimproved area adjacent to the seasonal dome and this results in a current deficiency of 113 spaces for the existing site. The construction of the seasonal dome along the 39 permanent parking and 28 overflow parking spaces will actually decrease this non-conformity and not add to the deficiency. If the Zoning Board of Appeals determines that the present lack of parking is a pre-existing non-conforming condition, then a variance

is not required. If it is not a pre-existing non-conforming condition and a variance is required, the variance should be granted due to the creation of 39 permanent parking spaces resulting from the construction of the seasonal dome. As the dome will be used during only the winter months, this new parking will not be simultaneously shared by the golf course. Actually, the golf course will benefit from the construction of the seasonal dome as the new parking spaces will be available for its use during the non-winter months when the dome is not pressurized. As presented above, the subject property is located in the rural part of the Town having large lots of agricultural use. The property itself is also large being 33 acres. The location of the seasonal dome and its parking areas are substantial distances from Mt. Airy Road (1,100 feet), the southerly boundary line of the parcel (740 ft.) and the westerly boundary line (416 feet). While the seasonal dome is 40 feet from the northerly boundary line (50 feet is required) the adjacent parcel is a large agricultural parcel. For these reasons the granting of the three variances will not produce an undesirable change in the character of the neighborhood nor be a detriment to nearby properties. Also, the granting of the variances will not have an adverse effect of impact on the physical or environmental conditions in the neighborhood. The benefit sought by the applicant cannot be achieved by some other method feasible because the seasonal dome will be situated between the existing hole of the golf course, the golf driving range, and a steep embankment thus requiring a 10 foot side yard variance (Variance No.1). Also, to construct a permanent structure and a 39 space parking area just for a soccer field (Variance No. 2) are not economically practical. The requested variances are not substantial as only a 10 foot side yard variance is being requested while still providing a distance of 40 feet (Variance No. 1). To allow a seasonal structure would be consistent with other recreational facilities in the Town (Variance No. 2)

and the granting of the variance for parking would create a new permanent parking area totaling 39 spaces, substantially more than is presently available. Finally, the alleged difficulty was not self-created as the physical constraints of the seasonal dome site dictate the placement of the structure and thus the need for the variance for the side yard setback (Variance No. 1). Also, the deficiency of the required number of parking spaces presently exists (Variance No. 3) and will only be improved by the granting of the variance.

I think I touched on all the important parts of our case and I'd be, and Mr. John Alva would be happy to answer any questions you and the public might have.

MR. KANE: I think what I'd like to do is just take one issue at time and let's go through it, vote on that issue and take it from there. Sound good? Let's get the basic questions out of the way. Cut down any trees or substantial vegetation in the building of the seasonal dome or the parking spaces?

MR. SHAW: The site of the dome and the parking spaces are presently disturbed, they were disturbed before we made application to the board so there has not been any new disturbance recently.

MR. KANE: Creating any water hazards or runoffs?

MR. SHAW: No.

MR. KANE: Any easements in the area?

MR. SHAW: No.

MR. KANE: And as you stated in your notes before the ten foot side yard setback is needed because of the placing of the seasonal dome, there's no other place to put it on that property?

MR. SHAW: Correct. What we have is a golf hole immediately downhill, turn 90 degrees and you have an existing golf driving range area and turn another 90 degrees uphill of us we have an embankment which really limits that area which we can construct anything.

MR. KANE: What questions you guys have for now?

MR. REIS: Turn it to the public and see.

MR. KANE: Okay.

MR. KRIEGER: The dome will be erected how?

MR. SHAW: It will be erected by the owner.

MR. KRIEGER: But I mean under what methods, what holds it up?

MR. KANE: What kind of structure is it?

MR. ALVA: It's a dome, it's a, air holds it up.

MR. KANE: Cement pad?

MR. ALVA: Full foundation that--

MR. KANE: Full foundation block coming up X amount of feet or not?

MR. ALVA: is it coming up out of the ground?

MR. BABCOCK: No, it's going to be a full foundation in the ground, block coming up, poured slab and this gets anchored to the slab.

MR. KANE: Pressurized, it goes up?

MR. BABCOCK: Yes.

MR. KANE: And off season you just take the pressure away and it collapses down?

MR. ALVA: I can fold it up and put it in a box.

MR. KANE: How many entrances and exits?

MR. ALVA: We have that with us. It has one rotating, you know, a turnstile door, it has one handicapped entrance air lock door and a wheelchair can come in, you close the back doors and you open the next doors and they come in to keep the pressurization and has two other emergency exits on different sides of the dome.

MR. KANE: Those will be lit as emergency exits?

MR. ALVA: Yes.

MR. KANE: For emergency usage only?

MR. ALVA: The handicapped and the other one with the turnstile are for any time.

MR. MINUTA: Continue with the structure at this point, when you say it's pressurized and inflated, is that a billowed system where there's a layer, two layers of let's say a polypropylene substance and that's pressurized with cables or the interior of the dome itself is pressurized if a door opens pressure will leak out?

MR. ALVA: If a door opens, pressure will leak out, okay, I don't know of anything being pressurized from the inside but it has the two layers as well and it has the cables as well, this one that I'm putting up, Permier Structures has the highest wind resistance and it will handle 8 feet of snow where most of them are a foot of snow, it's a full double cable system. The one at Sportsplex I don't think has a cable system, this has more speeds and different fans, if a door happened

to open, the other fans automatically kick in, if the electric goes out, I have propane generators that automatically kick in, it has three different safeties, it has the safest on the market. Can it go down? Anything could. But this is the safest in the industry.

MR. MINUTA: You have basically just hit upon the questions that I was going to ask. The safety mechanisms should a catastrophe happen and it come down what then happens to the occupants?

MR. ALVA: They should leave.

MR. MINUTA: Is it possible for them to be trapped inside?

MR. ALVA: If it comes down, give me a for instance, if I turned everything off including the emergency two backups?

MR. MINUTA: Yes.

MR. ALVA: Everything fails and it comes down, it will slowly come down. If the doors were open, it would still as they tell me it should take an hour, hour and a half to come down, just starts going like this (indicating).

MR. MINUTA: This is a substantial rate of descent that would allow the occupants to exit?

MR. ALVA: Yes.

MR. KANE: Maximum amount of the people allowed in there?

MR. SHAW: Let me speak to that cause it's a two part question from last time. As far as maximum number of people before I answer from a practical point of view

the facility will have on the average 20 people, maybe 40. One time a year, let's say twice a year they'll have a major tournament with Washingtonville, the maximum top number to the point where we'd even have Mike put that on the sticker on the wall 120 people, that's absolute maximum number of people that would be expected. That's only once, maybe twice during the course of the year. From a practical point of view, average of 20, if it gets high, maybe goes up to 40 and those are the numbers.

MR. REIS: Any bathroom facilities?

MR. SHAW: Yes, that's Part B of the question. There will not be any new bathroom facilities in the dome. What will be utilized are the bathrooms, the existing bathrooms which are just on the other side of the parking lot which presently support the golf course. In each bathroom presently, let me back up, in the men's bathroom there are two urinals, a water closet and a sink. In the ladies' bathroom there are two water closets and a sink, those are the numbers that presently exist and not being familiar with the building code, I contacted an architect who's a friend of mine today and he faxed me over the information from the plumbing code and I believe based upon again the maximum of 120 people in that dome, those fixtures are adequate enough to support that number of people for that facility.

MR. REIS: Handicapped accessibility has been--

MR. SHAW: That does not presently exist. That may have to be an issue that Mr. Alva's going to have to address when it comes time for a building permit. One of the options I spoke with the architect possibly putting in a unisex bathroom as opposed to having handicapped accessible for both men and women but that I believe is a building permit issue but that's something he may have to deal with when it comes time

for an actual permit from the building department.

MR. KANE: At this point, I will open it up to the public and ask if there's anybody that wishes to speak on this subject tonight?

MR. MARTELLI: Tony Martelli, 39 Ona Lane. I talk about a soccer part of it, I'm a soccer guy and I think when John want to open up and do something like this it's important because we don't have anything like this in Orange County and all the teams go to as far as Albany and Teneck, New Jersey and Connecticut. So the soccer family would love to have something like that where they can stay and play here so I think it will benefit a lot to the economy because if John runs a tournament, we have people coming into Orange County and them using, you know, restaurants and hotels and so on and so forth. So on that part, I mean, I'm only talking about the soccer part of it, I think, I hope you consider it because it's soccer people like to have something like this, we don't have anything like this in the winter.

MR. KANE: So you're for it?

MR. MARTELLI: Yes.

MR. KANE: Anybody else?

MR. CZUMAK: Bob Czumak, I was this past year running a facility up in Albany that has four fields the size of the one that we're putting in, four different fields that's going to be like in New Windsor and I can only tell you that teams from down here would travel the two hours to play and to practice in Albany. And I have been coaching in this area for over ten years. I am moving back down, I was up there for a year, coming back down, the need here in the community is substantial. I just, like I said, they would travel two hours to come up to play and to practice, there's

nothing like this here and there's just a need for it. There's no reason why the players, the kids in this area should be traveling to Jersey, parts of Albany to practice. The burden on the families is incredible. So my point is I believe one field is perfect for the area, I think there's a big need for it.

MR. KANE: Thank you.

MR. ZAGEN: My name is David Zagen, I live in New Windsor, I live in the area about say a mile, mile and a half or so from the facility. I do know John, John contacted me, he told me actually I thought I was going to be speaking because I thought there was some concern or issue with regard to the number of bathrooms or the bathroom facilities that we're going to be, that we're proposed for the complex.

MR. KANE: You can feel free to address this too.

MR. ZAGEN: I don't know that really what I have is a concern, seems to be more of a general concern about just the complex overall, I would like to tell the board that I do support John's proposal, I do think that the complex will add to the Town. I think that it is going to be beneficial, I've seen what he's done to the golf course, he has made substantial improvements in my opinion with regard to it and again, I just support the proposal in general.

MR. KANE: Thank you.

MR. MC DONALD: My name is Kevin McDonald. I live on Wayland Way, Rock Tavern. I'm a member of the Washingtonville Soccer Club, on the Board of Directors and we're, just to prove John's point about the tournaments, our clubs travel as far down as Virginia, New Jersey, Pennsylvania, all over and it attracts lots of people in the community, hotels, the restaurants, it just adds to the community which John's trying to do.

It's more for the kids cause the facilities here, there aren't any, all we have are the schools and everybody knows what's going on with the schools, they're cutting down on everything. So time we have to play in the schools now is cut down to almost nothing, especially now in Washingtonville with the collapse of the one school. So the more facilities we get like John is trying to do the better off we'll be.

MS. CAMARDELLO: Hi, my name is Jennifer Camardello, I also live in Salisbury Mills, so I just want to let you know that first I worked in an indoor soccer facility i Albany for ten years and I have had a chance to do things with home school kids, recreational kids as well as the tournaments and the leagues and it's just been a great thing for our community. And I just wanted to say that I support it and there's not only the kids that are travel league, there's options for other kids as well for after-school programs and home school programs and things like that.

MR. KANE: Thank you. Let me ask you a quick question. With your experience in Albany, I know it was a four dome facility but do you feel that the parking that we're looking at for this particular lot is adequate in that if 20 to 40 people show up, what do you think, 10 or 15 vehicles?

MR. CZUMAK: That was the steel frame four fields, not a dome, it was a steel frame and without a doubt, I just know from renting the facility out there that 40 on one field there really was never 160 people running in there on like a normal basis when they had tournaments, of course with four fields there's ways to negotiate by having an hour break between when one tournament ends, so there's no overlap of people coming in and that problem--

MR. KANE: So you feel the 39 spaces is adequate for a normal day's work there?

MR. CZUMAK: More than adequate. But this is a different type of a, one field facility in a situation like this for the community you're talking about just teams coming for training and like Jen was saying after school and home school there's a tremendous need for it and normally for the one field you're looking at 20 to 30 people maximum.

MR. KANE: Thank you. Anybody else? No, okay, we'll close the public portion of the meeting and bring it back to Myra? How many mailings did we have?

MS. MASON: On July 26, I mailed out 16 envelopes and had no response.

MR. REIS: With the overwhelmingly response, positive response, John, is it possible that your season, again not, I'm just playing devil's advocate, the feel that the board is all for it and tremendous support from the audience, is it possible that your season might be longer than you're anticipating at sometime where it might overlap with the existing golf?

MR. ALVA: Well, the problem with my golf course is I really don't pick up until I'm going to say Memorial Day and after Labor Day it dies down, being a par 3 nobody takes a day off to play par 3. If you have driven by during the day, you say how does he stay in business? Well, the truth is I have another job, that's the truth. I'm a national sales manager for a company. The golf course my wife calls it a hobby because it loses money and it does lose money, I could build houses and make lots of money, that's not the point. This is here and my kids are going to grow up on this. Can it overlap, I would hope that maybe one day that it would but in that, whenever that would be hopefully five or ten years from now, I would be more than happy to add parking. But the way it is now with the golf course and an executive, it's a driving range,

it just doesn't get busy until the kids gets out of school and when they go back to school all the other sports start again and it kills me and it's just what I make in those 12 weeks is 90 percent of the money that is brought in that golf course for the 26 weeks that it's open, it's the difference in numbers are staggering before Memorial Day and after, although Father's Day that Sunday we do well, I don't know why, just boom, they all come out and it's an awesome thing.

MR. REIS: If it don't rain.

MR. ALVA: Even if it rained they would come on Father's Day.

MR. SHAW: When we explained it we kind of touched on something similar is that the dome goes up end of November, first part of December, down in March and the reason is before that, before November and after March they want to be outside, the weather is fine to play, maybe a little cool, maybe a little rainy but that doesn't stop them really during the really cold months that the dome would be up. So as far as having the dome extend outside the four or five months we'll see but probably won't be warranted but there is outside fields that are available.

MR. ALVA: I will tell you that I am not only entertaining but looking for Cornwall and Washingtonville to come to me on their rain days, there's nothing going on on the golf course, I don't have covered tees on the driving range and it's just nothing is happening so I am courting them and I do want them to come on rainy days and all I need is a phone call, is it raining, yes, for the spring and fall. So I want you to know that yes in early spring late fall if we have rain I will be courting those things and it's not an overlap but it's during the same period of time I will be going after that.

MR. REIS: Great.

MR. BABCOCK: One thing that for the board's knowledge is that we're going to require him to get a building permit each time he puts this dome up so that we have the opportunity to inspect it before anybody goes in it and if it comes a time where we don't think that he has enough parking we're going to talk to him about that. We have asked him to put the signs along the road, they said they're going to do that, they don't want anybody parking there because they don't want any cars getting hit with golf balls or whatever so if it becomes a problem where we don't feel he has enough parking, I'm sure we're going to get complaints and we're going to go see him, tell him he's got to build more parking.

MR. KANE: If the board voted to approve the variance on the parking spaces, would you have any problems with that provision in there that the building inspector felt that we needed more parking down the line?

MR. SHAW: Do we have a choice?

MR. KANE: Not much but go ahead.

MR. SHAW: That's our answer then.

MR. KANE: I think that's something that you will notice and see the need itself and hopefully since you seem to be going in a direction of building something that seems to be really good for the community and the kids out there that you might look in that direction.

MR. SHAW: Just touching on that for one second, I explained last time I was before this board about a month ago we went to the planning board for our rejection to allow us to come here, one of the most important points that Mark Edsall wanted to get on the record was that the planning board felt that the parking was adequate, it made to sense to come here and

get a variance for so many spaces then go back to the planning board and planning board said we don't agree, it's not enough, forget your variance, the board went on record saying that the parking we're proposing permanent spaces for 39 plus additional 28 overflow parking was adequate so when we return back to them hopefully with the variances that issue will be behind us.

MR. KANE: Other questions?

MS. LOCEY: I have a question, the existing bathrooms are in the pro shop?

MR. ALVA: Yes.

MS. LOCEY: How close in proximity?

MR. BABCOCK: It's on the map, it's the little area here.

MS. LOCEY: Is there a canopy?

MR. ALVA: No, although there's a seasonal dome over it to play indoors, the place where the golf shop over here that you can see that's the place that these kids will be meeting and having the meetings before the games, run over, have their games and come back and have their little meetings and stuff so that will be where they'll be if they're going to go to the bathroom anyway.

MR. SHAW: If that's not permitted by the New York State Building Code, Mike won't be able to issue a building permit.

MR. BABCOCK: We have no objection even if the dome wasn't put up it could be an open field you wouldn't have bathrooms there.

MR. SHAW: Maybe some day there will be a permanent addition built on with bathrooms but right now, it's just a major expense to build a permanent structure just for the bathrooms but if it's successful I'm sure in fact Mr. Alva's spoke to me about possibly putting an addition just for the bathrooms.

MR. ALVA: It's our goal, it's a financial thing, we have the existing stuff, that's why I'm using it, but my goal is to make it a little better every year.

MR. MINUTA: I'm pleased to see the overwhelmingly support on this, I do not believe that you're going to have the parking problem and I think any overflow issues could be addressed at a later point if your seasons start to cross, if you see yourself getting more business for the dome and you also have the golf course being activate at that point obviously more parking is going to be required. I think Mr. Babcock's suggestion of having the building permit every time it goes up giving them an opportunity to evaluate both the structure and parking is valid. The only other thing I might add to that is should there be an overflow or crossing of seasons that that be evaluated at that time whether the parking is sufficient, other than that, I have no further questions.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I make a motion that we grant Mary and John Alva their requested variance for a 10 foot side yard setback.

MR. MINUTA: Second it.

ROLL CALL

MS. LOCEY

AYE

MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MR. REIS: I make a motion that the variance of Section 300-19 of the Town Code which requires all structures of recreational facilities to be of a permanent nature, we have a seasonal facility, I personally don't, I don't believe that a variance is required and I would pass that as such. I make a motion that--

MR. KRIEGER: Make a motion that the board vary Section 300-19 of the Town Code so that this structure can be erected and utilized as proposed.

MS. LOCEY: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MR. REIS: Interpretation as to whether an area variance for off-street parking is required and if required an area variance of 104 parking spaces, I'd like to make a motion that the area variance for off-street parking is required and make a motion that it be granted.

MR. MINUTA: Second it.

MS. LOCEY: Clarification?

MR. KANE: Mike is making a motion that we find the interpretation to say that yes, he does need a variance for off-street parking and that we grant the variance

for off-street parking for 104 parking spaces. Do you understand?

MS. LOCEY: Well, I have a question before I vote, if the planning board indicated they did not need a variance.

MR. KANE: Planning board has nothing to do with us.

MR. KRIEGER: The planning board did not indicate they did not need a variance, what they indicated was in their opinion the parking as proposed is adequate for the site. The question whether or not it should be a variance is up to this board, not up to the planning board, they simply indicated their approval of the number of parking spaces.

MR. KANE: We have a couple of new members. Basically, what it comes down to with the zoning board we tell them if they can do it, the planning board tells them how they can do it.

MR. REIS: The code requires them to have more than what they're providing.

MS. LOCEY: Well and I understand that there was an interpretation to be made this evening if that was so.

MR. KANE: And Mike's thing was that he feels that they do need it, that we interpret that they do need a variance and that we grant that variance, correct.

MS. LOCEY: Then I will vote yes.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MR. MINUTA: Mr. Kane, one more clarification with this, with the motion should we also be including the building inspector is going to inspect at each point and for the parking?

MR. KANE: As needed. Is that satisfactory?

MR. BABCOCK: That's fine. I'm sure Mr. Alva would love to have the whole parking lot full so that he could need to build more parking.

MR. ALVA: I can't wait for you to tell me to add more parking.

MR. KANE: We'll add that the building department will inspect as needed for the parking situation down there and rectify and that the property owner will rectify it per the building department's recommendations.

MR. KRIEGER: In the future if necessary.

MR. BABCOCK: Right.

ROLL CALL

MS. LOCEY	AYE
MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MR. SHAW: Thank you.

FORMAL DECISIONS:

1. FRANCES BEDETTI
2. HENRY VAN LEEUWEN
3. SHILA PATEL
4. SIGN LANGUAGE (GOODWILL)
5. SEYMOUR BORDEN
6. ELLA MAE HARRIS
7. ANTHONY ALBANESE
8. MELVIN BYNUM
9. RICHARD FARROW
10. JOHN & GLORIA BROWN
11. EDWARD BISHOP
12. WAYNE CORTS

MR. MINUTA: I'll make a motion that we accept all formal decisions as listed.

MR. REIS: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MR. REIS: Motion to adjourn.

MR. MINUTA: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE

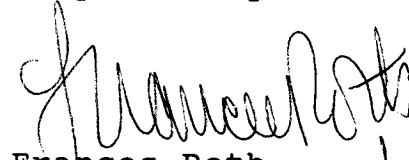
August 9, 2004

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MR. KANE

AYE

Respectfully Submitted By:

A handwritten signature in cursive script, appearing to read "Frances Roth".

Frances Roth
Stenographer

8/11/04